

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEROY CONSTANTINE,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

C.A. No. 23-22 Erie

District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER


This action for habeas corpus relief pursuant to 28 U.S.C. § 2241 was received by the Clerk of Court on February 2, 2023. In his habeas petition, Petitioner seeks release from custody, claiming that officials at FCI-McKean were violating the terms of the Residential Drug Abuse Program (RDAP) by “denying him the benefits” of the program. The petition was referred to United States Chief Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On July 25, 2023, Respondent filed a Notice of Suggestion of Mootness [ECF No. 11], with an attached Declaration of Alisha Gallagher, a Senior Attorney with the Federal Bureau of Prisons (“BOP”), who declares, in part, that Petitioner was released from BOP custody on July 21, 2023 (ECF No. 11-1, at ¶ 3). As a result, on August 28, 2023, Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that this action be dismissed as moot. [ECF No. 12]. No timely objections to the R&R have been filed.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of October, 2023,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED as moot, with prejudice, and the report and recommendation of Chief Magistrate Judge Lanzillo, issued on August 28, 2023 [ECF No. 12], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief United States Magistrate Judge

All parties of record